

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

RANDY COOPER,

Plaintiff,

v.

//

CIVIL ACTION NO. 1:05CV25
(Judge Keeley)

THOMAS MCBRIDE,

Defendant .

**ORDER ADOPTING REPORT AND RECOMMENDATION AND ORDER
TRANSFERRING CASE TO SOUTHERN DISTRICT OF WEST VIRGINIA**

On February 7, 2005, pro se petitioner Randy Cooper, filed a petition for writ of habeas corpus pursuant to 42 U.S.C. §1983 and 42 U.S.C. §1985, alleging that the defendant violated his civil rights by various methods of daily harassment. The Court referred the complaint to United States Magistrate Judge John S. Kaull for initial screening and a report and recommendation in accordance with Local Rule of Prisoner Litigation 83.09.

On February 23, 2005, Magistrate Judge Kaull issued a Report and Recommendation recommending that this matter be transferred to the Southern District of West Virginia. The Magistrate Judge determined that, because the inmate is incarcerated at the Mount Olive Correctional Center located in Fayette County, West Virginia, the proper venue for this matter is the Southern District of West Virginia.

On March 1, 2005, the plaintiff filed a response to the report and recommendation in which he failed to assert any objection to

**ORDER ADOPTING REPORT AND RECOMMENDATION AND ORDER
TRANSFERRING CASE TO SOUTHERN DISTRICT OF WEST VIRGINIA**

the report and recommendation. In fact, plaintiff stated "UPON RECOMMENDATION I RANDY COOPER AM SENDING COPIES TO THE SOUTHERN DISTRACT [sic]".

Accordingly, the Court **ADOPTS** the Report and Recommendation in its entirety and **DIRECTS** the Clerk of the Court to transfer this case to the Southern District of West Virginia.

It is so **ORDERED**.

The Clerk is directed to mail a copy of this Order to the pro se plaintiff, certified mail, return receipt requested.

Dated: October 26, 2006.

/s/ Irene M. Keeley
IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE